

**BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS,
LAND SURVEYORS, CERTIFIED INTERIOR DESIGNERS
AND LANDSCAPE ARCHITECTS MEETING**

MINUTES

The Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on June 14, 2007, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Architects

John S. Clark, Jr.
J. Everette Fauber, III
Kenneth A. Schwartz

Land Surveyors

John R. McAden
Nancy E. McIntyre
W. R. Stephenson, Jr.

Landscape Architects

Vaughn B. Rinner
William H. Spell

Professional Engineers

Nico De León
Stanley C. Harris, Sr.
Wiley V. Johnson, III

Interior Designers

Lorri B. Finn (arrived at 9:04 a.m.)
Cameron C. Stiles

Staff present for all or part of the meeting were:

Jay W. DeBoer, Director
Karen W. O'Neal, Deputy Director Licensing and Regulation
Mark N. Courtney, Executive Director
Doug W. Schroder, Director of Adjudication
Marian H. Brooks, Program Administrator
Michelle Gowen, Administrative Assistant
Earlyne Perkins, Legal Analyst

Steven P. Jack, Assistant Attorney General, was present at the meeting.

Ms. Rinner, Chair, called the meeting to order at 9:00 a.m.

Mr. Clark moved to approve the agenda. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Call to Order

Approval of Agenda

Mr. Fauber moved to approve the minutes as written for the following meetings:

Approval of Minutes

- March 15, 2007, APELSCIDLA Board Meeting;
- March 15, 2007, Informal Fact-Finding Conference (LS);
- April 3, 2007, Continuing Education Committee Meeting;
- May 8, 2007, Architects Section Meeting;
- May 10, 2007, Professional Engineers Section Meeting; and
- May 24, 2007, Land Surveyors Section Meeting.

Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Public Comment Period – Clifton Strickland, a licensed architect, was present to discuss the problem with § 54.1-402 of the *Code of Virginia* allowing any individual to design buildings up to 5,000 square feet with no education or experience. Mr. Strickland stated that he has spoken to Senator Stolle who has agreed to support the legislation if the Board wishes to have the statute changed. Mr. Strickland also added that he would be happy to lend his services to the Board in drafting the legislation for submission.

Public Comment Period

Ed Westerman, representing the Virginia Society of Professional Engineers, provided the Board with a handout of VSPE's comments on the draft proposed Continuing Education regulations. Mr. Westerman requested that the Board consider VSPE's comments when they are reviewing the proposed Continuing Education regulations.

Ms. Finn arrived at the meeting at 9:04 a.m.

Arrival of Lorri B. Finn

Mr. Deputy and his attorney, Wilcox Dunn, were present and in agreement with the Consent Order and to answer any questions that the Board may have.

File Number 2007-01883, David L. Deputy

Regarding **File Number 2007-01883, David L. Deputy**, the Board members reviewed the Consent Order as agreed to by Mr. Deputy as well as the record of the Informal Fact-Finding Conference, which consisted of the investigative file, and the transcript and exhibits. Mr. Stephenson moved to accept the Consent Order which cites the following violations: § 54.1-411 of the *Code of Virginia* (Count 1); 18 VAC 10-20-760.B (Count 2); and 18 VAC 10-20-710.A (Count 3) of the Board's 2002 regulations. For these violations Mr. Deputy agrees to the following fines: \$500.00 for the violation contained in Count 1; \$100.00 for the violation contained in Count 2; \$100.00 for the violation contained in Count 3; as well as \$500.00 in Board costs. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McIntyre, Rinner, Schwartz, Spell,

Stephenson, and Stiles. As the presiding Board member, Mr. McAden was not present during the discussion or vote.

After reviewing the application and Agreement for Registration, Mr. Schwartz moved to accept the Agreement for Registration as seen and agreed to by KSQ Architects, P.C. Ms. McIntyre seconded the motion which was unanimously approved by members: Clark, De Léon, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles. Mr. Fauber abstained from the vote.

**KSQ, Architects,
P.C., Agreement for
Registration**

After reviewing the application and Agreement for Registration, Mr. McAden moved to accept the Agreement for Registration as seen and agreed to by Environmental Risk Management Consulting Company, LLC. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

**Environmental Risk
Management
Consulting
Company, LLC**

Regarding **File Number 2007-01934, Douglas R. Meredith, Jr.**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Meredith. Ms. McIntyre moved to accept the Consent Order which cites a violation of 18 VAC 10-20-370.C.3.a of the Board's 2002 regulations. For this violation, Mr. Meredith agrees to a \$1,000.00 fine as well as \$150.00 in Board costs. Mr. Meredith also agrees to attend an eight hour course on boundary and traverse adjustment and/or other equivalent course approved by the Board and provide proof of attendance and successful completion within six months of the effective date of this Order. Mr. Harris seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Mr. Stephenson was not present during the discussion or vote.

**File Number 2007-
01934, Douglas R.
Meredith, Jr.**

Mr. McAden disclosed that he works in the same geographical area as Mr. Quesenberry and has spoken to him on a couple of occasions; however, he believes that he can be fair and impartial in this matter.

**File Number 2006-
04226, L. J.
Quesenberry**

Regarding **File Number 2006-04226, L. J. Quesenberry**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Quesenberry. Mr. Stephenson moved to accept the Consent Order which cites the following violations: 18 VAC 10-20-370.B (Count 1); 18 VAC 10-20-700.A (Count 2); and 18 VAC 10-20-790.A.6 (Count 3) of the Board's 2002 regulations. For these violations Mr. Quesenberry agrees to the following fines: \$250.00 for the violation contained in Count 1; \$1,500.00 for the violation contained in Count 2; and \$250.00 for the violation contained in Count 3; as well as \$150.00 in Board costs. Mr. Harris seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Ms. McIntyre was not present during the discussion or vote.

Mr. McAden disclosed that he works in the same geographical area as Mr. Quesenberry and has spoken to him on a couple of occasions; however, he believes that he can be fair and impartial in this matter.

File Number 2006-04227, L. J. Quesenberry

Regarding **File Number 2006-04227, L. J. Quesenberry**, the Board members reviewed the Consent Order as seen and agreed to by Mr. Quesenberry. Mr. Stephenson moved to accept the Consent Order which cites the following violations: 18 VAC 10-20-370.B (Count 1); 18 VAC 10-20-700.A (Count 2); and 18 VAC 10-20-790.A.6 (Count 3) of the Board's 2002 regulations. For these violations, Mr. Quesenberry agrees to the following fines: \$250.00 for the violation contained in Count 1; \$1,500.00 for the violation contained in Count 2; and \$250.00 for the violation contained in Count 3; as well as \$150.00 in Board costs. Mr. Spell seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, Rinner, Schwartz, Spell, Stephenson, and Stiles. As the reviewing Board member, Ms. McIntyre was not present during the discussion or vote.

The Board members were provided with e-mails initiated by Delmar Dayton requesting guidance on the stamping and sealing of *Record Documents*. After review and discussion, Mr. Schwartz moved that it is the opinion of the Board that a regulant of the Board is not permitted to seal *record drawings* when the information used to create the *record drawings* is gathered by a non-regulant not under the direction and control of the regulant (pursuant to regulation 18 VAC 10-20-760). Mr. Clark seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Discussion of Record Documents

The Board members were provided with a letter requesting clarification if a Land Surveyor B can design storm water management facilities such as detention ponds and whether the following aspects of the design are included: (1) hydrologic (runoff) calculations, (2) hydraulic design calculations (sizing of the basin; design of the riser, barrel, and emergency spillway) and, (3) design of the embankment (dimensions, seepage control design, earthwork specifications). After review and discussion, Ms. McIntyre moved that a Land Surveyor B is qualified to design all of the above types of storm water management facilities. Mr. Stephenson seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles. The Board members were provided with the draft proposed regulations from the Continuing Education Committee for review. Ms. McIntyre moved to adopt the draft Board response to the public comments received during the NOIRA public comment period as prepared by staff. Ms. Finn seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Discussion of Design of Storm Water Management Facilities by Land Surveyor B's

Draft Proposed Continuing Education Language

After review and discussion, Mr. Fauber moved that the proposed regulations be sent back to the Sections for further review in order to discuss issues which were brought up at the APELSCIDLA Board meeting as well as comments made by Mr. Westerman on behalf of VSPE. Mr. Harris seconded the motion which was unanimously approved by members: Clark, De Léon, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

The Board members reviewed and discussed the draft proposed wording to permit NCARB IDP participants to begin taking the ARE prior to completing the NCARB IDP. The Board was presented with the following language for consideration:

Review of Draft IDP Requirements

18 VAC 10-20-120. Experience.

...

- B. All applicants must have a minimum of 36 months experience/training ~~prior to submitting an application for examination.~~ Any experience/training of less than 8 consecutive weeks will not be considered in satisfying this requirement.
- C. All applicants must have a minimum of 12 months experience/training in architecture as an employee in the office of a licensed architect ~~prior to submitting an application for examination.~~ An organization will be considered to be an office of a licensed architect if: ...

18 VAC 10-20-140. Examination.

- A. 1. All applicants for original licensure in Virginia are required to pass an NCARB-prepared examination after meeting the education and experience/training requirements as provided in this chapter. Provided all other requirements are met, a license as an architect will be issued upon passing the NCARB examination.
- 2. An applicant shall be admitted to the NCARB-prepared examination prior to completing the experience requirements contained in 18 VAC 10-20-120, if the applicant is otherwise qualified, provided they are enrolled in the NCARB IDP.

After review and discussion, Mr. Fauber moved to adopt the language as proposed. Mr. Fauber further moved to authorize staff, in conjunction with the Chair, to make any minor changes as necessary, on behalf of the Board, so that the regulations can be approved. Ms. Finn seconded the motion which

was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Mr. Courtney informed the Board members that of the 32 victims of the tragic events at Virginia Tech on April 16, 2007, four of the victims had begun the process to obtain a Virginia Professional Engineer license. After discussion, Mr. Spell moved to adopt honorary Professional Engineer licenses for: Matthew G. Gwaltney; Jarrett L. Lane; Maxine S. Turner; and Brian R. Bluhm. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

**Consideration of
Honorary
Professional
Engineer Licenses**

Mr. Courtney informed the Board members that the NCEES funded delegate from each state must have the authority to vote at the NCEES Annual Meeting and requested that they approve him to be an authorized, voting delegate. Mr. Fauber moved to authorize Mr. Courtney to be the funded voting delegate. Ms. Stiles seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

**Discussion of NCEES
Funded Delegate**

The Board members took a break from 10:08 a.m. to 10:22 a.m.

Break

The Board members were provided with a list of potential legislative ideas for consideration by the Department for the 2008 Session of the General Assembly:

**Discussion of 2008
Legislation**

1. Modify § 54.1-307.1.A to have the statute of limitations run three-years from the “date of discovery”;
2. Amend § 54.1-411 to explicitly state that joint ventures are required to register with the Board;
3. Amend § 54.1-404.2 to allow for a retired or emeritus status which would permit individual licensees (architects, professional engineers, and land surveyors) to renew their licenses without mandatory continuing education provided they meet certain criteria and are not practicing;
4. Add a provision to Chapter 4 of Title 54.1 permitting recognition of Australian (or possibly APEC registered) professional engineer licenses for licensure in Virginia (currently not permitted per subsection C of § 54.1-103).
5. Modify the third paragraph of § 54.1-414 to read as follows:

“The Board, in its discretion, shall determine whether an

applicant's professional education and professional experience in the field of interior design are sufficient to establish eligibility for ~~the examination~~ certification."

6. Amend the definition of the "practice of land surveying" contained in § 54.1-400 as follows:

"The 'practice of land surveying' includes surveying of areas for a determination or correction, a description, the establishment or reestablishment of internal and external land boundaries, or the determination of topography, contours or location of physical improvements, ~~and also includes~~ *or* the planning of land and subdivisions thereof. The term "planning of land and subdivisions thereof" shall include, but not be limited to, the preparation of incidental plans and profiles for roads, streets and sidewalks, grading, drainage on the surface, culverts and erosion control measures, with reference to existing state or local standards."

7. Remove the specific entry requirements from § 54.1-414 regarding certified interior designers and provide the Board with the authority to establish such entry requirements in regulations;
8. Reduce the licensing exemptions (see attached which also includes some of the language relating to making consistent use of the term "professional engineer" and "engineering" in Chapter 4 of Title 54.1);
9. Make consistent use of the term "professional engineer" and "engineering" in Chapter 4 of Title 54.1;
10. Revise § 54.1-403 to eliminate the provision that requires CCVID input in the gubernatorial appointment of interior designer board appointments;
11. Modify the first sentence of the second paragraph of § 54.1-409 to delete the list of professions and insert the word "anyone" in their place;
12. Modify the definition "certified landscape architect" in § 54.1-400 to read "Certified landscape architect" or "landscape architect" means;
13. Modify § 13.1-553 (Professional Corporations) to correct an oversight regarding certified interior designers when this

portion of the Code was amended to allow them to form PC's in 2000:

“§ 13.1-553. Board of directors.

“Except as provided in an agreement adopted pursuant to § 13.1-671.1 that is not in conflict with § 13.1-544, a professional corporation organized pursuant to the provisions of this chapter shall be governed by a board of directors, which shall have the full management of the business and affairs of the corporation and continuing exclusive authority to make management decisions on its behalf, and no shareholder shall have the power to bind the corporation within the scope of its business or profession merely by virtue of his being a shareholder. The articles of incorporation may prescribe the manner in which the board of directors shall be chosen and the number thereof, subject to the following provisions: a corporation rendering the services of architects, professional engineers, land surveyors and, certified landscape architects and certified interior designers, or any combination thereof, may elect to its board of directors not more than one-third of its members who are employees of the corporation and are not authorized to render the services of an architect, a professional engineer, land surveyor or certified landscape architect. Provided that no person not duly licensed or otherwise duly authorized to render the professional services of the corporation shall be a member of the board of directors, except as provided for corporations rendering the services of architects, professional engineers, land surveyors or certified landscape architects. The board of directors, including the first board of directors, shall consist of one or more members. The number of directors shall be fixed by the bylaws except as to the number of the first board of directors, which shall be fixed by the articles of incorporation. The number of directors may be increased or decreased from time to time by amendment of the bylaws, unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment of the articles of incorporation. In the absence of a bylaw fixing the number of directors, the number shall be the same as that stated in the articles of incorporation.”

14. Amend § 54.1-404 as follows:

“§ 54.1-404. Regulations; code of professional practice and conduct.

A. The Board shall promulgate regulations not inconsistent with this chapter governing its own organization, the

professional qualifications of applicants, the requirements necessary for passing examinations in whole or in part, the proper conduct of its examinations, the implementation of exemptions from license requirements, and the proper discharge of its duties.

“The regulations may include a code of professional practice and conduct, the provisions of which shall serve any or all of the following purposes:

- “1. The protection of the public health, safety and welfare;
- “2. The maintenance of standards of objectivity, truthfulness and reliability in public statements by professionals;
- “3. The avoidance by professionals of conflicts of interests;
- “4. The prohibition of solicitation or acceptance of work by professionals on any basis other than their qualifications for the work offered;
- “5. The restriction by the professional in the conduct of his professional activity from association with any person engaging in illegal or dishonest activities; or
- “6. The limitation of professional service to the area of competence of each professional.

B. Notwithstanding the provisions of Chapter 40 of Title 2.2, as amended, in order to make a case decision regarding an individual applicant or regulant, a majority of the board members qualified to vote, and at least one member of the profession involved of those qualified to vote, must vote for the case decision. If no members of the profession involved are qualified to vote on the case decision, then only a majority of the board members qualified to vote shall be required.

After review and discussion, Mr. Schwartz moved the Board remove #1 and #14 from the list. Mr. Schwartz also moved that the Board remove #4 for further review and designate #3 as the top priority. Mr. De León seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, Stephenson, and Stiles.

Mr. Courtney provided the Board members with the seal requirements that became effective on February 1, 2007, which requires the seals to have “Lic” or “Cert” in front of the license or certification number. After review and discussion, the Board agreed by consensus to have the Department put inserts in licenses, and send the information to Emory Rodgers at DHCD, to further notify regulants of these changes.

Discussion of Seal Requirements in February 1, 2007, Regulations

The Board acclaimed Stanley Harris as Chair of the APELSCIDLA Board for

Election of Officers

the term beginning July 1, 2007, and ending June 30, 2008. Ms. Finn moved to nominate Cameron Stiles as Vice-Chair of the Board for the term beginning July 1, 2007, and ending June 30, 2008. Mr. Harris seconded the motion which was unanimously approved by members: Clark, De León, Fauber, Finn, Harris, Johnson, McAden, McIntyre, Rinner, Schwartz, Spell, and Stephenson. Ms. Stiles abstained from the voting.

Mr. Schroder informed the Board members of the inner workings of the Department's system in the way it keeps track of the length of time a disciplinary case is open and the Board members were provided with a comprehensive report of enforcement activity since the last Board meeting.

**Comprehensive
Report of CID
Activity**

The Board members were provided with financial statements from April 2007 for informational purposes.

**Review of Board
Financial Statements
Other Business**

Mr. Courtney informed the Board members that the Department move is still on track for August 10, 2007, and noted that he would provide them with more information on the move when it becomes available.

Mr. Courtney noted that several regulation packages have recently been approved by the Governor's office including changes to the Landscape Architect entry requirements which will become effective on August 1, 2007, as well as the prohibition of life-experience degrees for professional engineer applicants which will become effective on September 10, 2007. In addition, the public hearing for the proposed photogrammetry regulations will be held at their next Board meeting on September 13, 2007.

The Board members were asked to bring their calendars to the next Section and Board meetings as they will be scheduling the 2008 meeting dates at those times.

Mr. Courtney stated that he, due to a training opportunity, unfortunately would not be in attendance at the Board meeting in September.

Conflict of Interest forms were completed by all members present.

**Conflict of Interest
Forms**

There being no further business, the meeting was adjourned at 11:22 a.m.

Adjourn

Vaughn B. Rinner, Chair

Jay W. DeBoer, Secretary